

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

VENESSA SELDON,

Plaintiff,

vs.

Case No. 09-13162

Hon. Gerald E. Rosen

Mag. Michael Hluchaniuk

LEHMAN BROTHERS, INC., *et al*,

Defendants.

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**OPINION AND ORDER ADOPTING THE REPORT AND  
RECOMMENDATION OF THE MAGISTRATE JUDGE**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on July 26, 2010

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This action is presently before the Court on the July 9, 2010 Report and Recommendation entered by United States Magistrate Judge Michael Hluchaniuk following a hearing conducted before him on Defendants' Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) and, Alternatively Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56(c). The Magistrate Judge recommends that Defendants' Motion for partial judgment on Plaintiff's claim for rescission be GRANTED and that Plaintiff's claim for rescission be DISMISSED. Plaintiff has filed no objections to the Report and Recommendation.

Having reviewed the Magistrate Judge's R & R and the remainder of the materials in the record, the Court concurs in the Magistrate Judge's analysis, and accordingly adopts the R & R in its entirety. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of July 9, 2010 [Dkt. #38] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) and, Alternatively Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56(c) [Dkt. # 15] is GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's claim for rescission is DISMISSED with prejudice.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: July 26, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 26, 2010, by electronic and/or ordinary mail.

s/Deborah J. Goltz for Ruth A. Gunther  
Case Manager